

BOSTON
BRUSSELS
CHICAGO
FRANKFURT
HAMBURG
HONG KONG
LONDON
LOS ANGELES
MILAN
MOSCOW
NEW JERSEY

Latham & Watkins
ATTORNEYS AT LAW
WWW.LW.COM

DOCKET FILE COPY ORIGINAL

ORIGINAL
NEW YORK
NORTHERN VIRGINIA
ORANGE COUNTY
PARIS
SAN DIEGO
SAN FRANCISCO
SILICON VALLEY
SINGAPORE
TOKYO
WASHINGTON, D.C.

July 3, 2002

FILE NO. 014560-0000

RECEIVED

JUL - 3 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

BY HAND

Clay Pendarvis
Associate Chief, Video Division, Media Bureau
Federal Communications Commission
Washington, DC 20554

Re: MM Docket No. 02-83
Station WGTQ-TV, Sault Saint Marie, Michigan

Dear Clay,

This is written on behalf of Scanlan Communications, Inc. ("Scanlan"), licensee of Station WGTQ-TV, Sault Saint Marie, Michigan, in response to your letter dated June 17, 2002. In that letter, you ask that Scanlan submit an amendment to its petition for rulemaking to change the DTV allotment of WGTQ from channel 56 to channel 9. This appears to be a case of crossed wires. I believe the amendment you request has been provided (see attachment). Since then, the Commission has issued a Notice of Proposed Rule making in this matter (copy enclosed) and the comment periods have passed (with only Scanlan's expression of continuing interest filed) (copy enclosed). Accordingly, it appears that the issue raised in your letter has been resolved. If this is not the case, please contact me so that we may discuss any additional steps Scanlan should take.

Sincerely,


Kevin C. Boyle
of LATHAM & WATKINS

Enclosure

cc: Clay Pendarvis (by email)
Tom Scanlan (Public File)
John Lundin
James McLuckie, International Bureau

No. of Copies rec'd 0+4
List ABCDE

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

RECEIVED

In the Matter of:

Amendment of Section 73.622
Digital Television
Table of Allotments
(Sault Saint Marie, Michigan)

)
)
) MM Docket No.
) RM-
)
)

JUL - 3 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

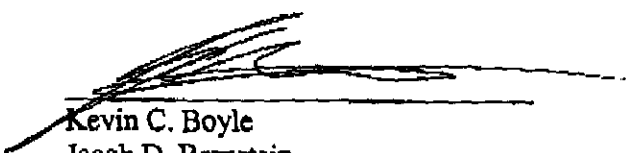
AMENDED PETITION FOR RULE MAKING

Scanlan Communications, Inc. ("Scanlan"), licensee of Station WGTQ-TV, Channel 8, Sault Saint Marie, Michigan, hereby amends its Petition for Rulemaking concerning its proposal to amend the Digital Television Table of Allotments, Section 73.622 of the Commission's Rules, to change the channel allotted to Sault Saint Marie, Michigan from Channel 56 to Channel 9.

At the request of the staff, Scanlan has prepared a revised Technical Statement (the "Technical Exhibit"), which is attached as Exhibit A. The Technical Exhibit shows that the proposed change complies with the Commission's Rules. If the proposed allotment is adopted, Scanlan will prosecute an application for a construction permit to construct a Digital Television facility on Channel 9 to provide service to Sault Saint Marie and upon the grant of such application, will promptly construct the proposed facility.

Accordingly, Scanlan respectfully requests that the Commission amend the DTV Table of Allotments to change the channel allotted to Sault Saint Marie, Michigan for WGTQ-DT from Channel 56 to Channel 9 at the location set forth in the Technical Exhibit.

Respectfully Submitted,



Kevin C. Boyle
Jacob D. Bernstein
Latham & Watkins
11400 Commerce Park Drive
Suite 200
Reston, Virginia 20191

Counsel for Scanlan Communications, Inc.

du Treil, Lundin & Rackley, Inc.
Consulting Engineers

TECHNICAL EXHIBIT
PREPARED IN SUPPORT OF
AN AMENDMENT TO THE PENDING
PETITION FOR RULE MAKING TO
MODIFY THE DTV ALLOTMENT TABLE
DTV STATION WGTQ-DT
FACILITY ID: 135874
SAULT STE MARIE, MICHIGAN

Technical Summary

This technical narrative and associated exhibits have been prepared on behalf of Scanlan Communications, Inc. in support of an amendment to the pending Petition for Rule Making (BPRM-20010531ADP) to modify the DTV allotment of station WGTQ-DT at Sault Ste. Marie, Michigan, from channel 56 to channel 9.

Station WGTQ-DT currently has a pending Petition for Rule Making which proposes operation on DTV channel 9 with a maximum directional effective radiated power (ERP) of 32 kilowatts and an antenna radiation center height above average terrain (HAAT) of 291 meters. However, station WGTQ-DT has been notified by an FCC processing engineer via a phone call, that the proposed operation causes prohibited interference to NTSC station WWTW on channel 9 at Cadillac, Michigan. Therefore, it is proposed to amend the pending petition by decreasing ERP to 24 kilowatts, in order to eliminate the prohibited interference towards station WWTW. No other changes are proposed.

DTV channel 9 can be substituted and allotted to Sault Ste. Marie, Michigan in compliance with the principal community coverage requirements of Section 73.625(a) at reference coordinates Latitude 46°03'08", Longitude 84°06'38". In addition, operation on DTV channel 9 appears possible with a maximum directional effective radiated power (ERP) of up to 24 kW utilizing a Dielectric THB-C2-6H/12HD-1 directional antenna and an antenna height above average terrain (HAAT) of 291 meters. The proposed channel change is acceptable under the 2 percent criterion for *de minimis* impact applicable to DTV allotment modifications under Section 73.623(c)(2).

du Treil, Lundin & Rackley, Inc.

Consulting Engineers

Page 2

Sault Ste. Marie, Michigan

The proposed facilities (ERP 24 kW-DA/HAAT 291 meters) do not exceed the nominal maximum permitted pursuant to Section 73.622(f)(7)(i). Thus, it is proposed to modify the Sault Ste. Marie DTV allotment by specifying a DTV allotment on channel 9 with the following specifications:

State & City	DTV Channel	DTV ERP (kW)	Antenna HAAT (m)
MI, Sault Ste	9	24 (MAX-DA)	291

It is also proposed to amend the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, as follows:

<u>City</u>	<u>Channel No.</u>	
	<u>Present</u>	<u>Proposed</u>
Sault Ste. Marie, MI	56	9

It is proposed to allot DTV channel 9 at Latitude 46°03'08", Longitude 84°06'38". It is proposed to operate with an antenna radiation center height above mean sea level (RCMSL) of 486.1 meters, an antenna radiation center height above average terrain of (HAAT) of 291 meters and a directional antenna maximum ERP of 24 kW.

Figure 1 is a sketch of antenna showing the location of the proposed WGTQ-DT DTV antenna system. The FCC Tower Registration Number for the proposed tower is 1006719.

Figure 2 is a DTV channel 9 separation study toward other U.S. and Canadian NTSC and DTV allotments based on a 50 kilometer "buffer".

Figure 3 shows the horizontal and vertical relative field patterns for the proposed Dielectric THB-C2-6H/12HD-1 directional antenna.

Figure 4 provides a summary of interference and service for the proposed channel 9 allotment. Determination of

du Treil, Lundin & Rackley, Inc.

Consulting Engineers

Page 3

Sault Ste. Marie, Michigan

interference and service was based on the procedures outlined in OET Bulletin No. 69 and criteria contained in Sections 73.622 and 73.623 of the FCC's rules.¹ It is noted that with respect to station WWTV(TV) on channel 9 at Cadillac, Michigan the following stations were used in the masking analysis:

WOOD-TV, Ch. 8(+), Grand Rapids, MI (316 kW-ERP)/(546 m-RCAMSL)
WGN-TV, Ch. 9(+), Chicago, IL (110 kW-ERP)/(595 m-RCAMSL)
WAOW-TV, Ch. 9(z), Wausau, WI (316 kW-ERP)/(760 m-RCAMSL)
CBET-TV, Ch. 9(-), Windsor, ON (325 kW-ERP)/(368 m-RCAMSL)
WILX-TV, Ch. 10(-), Onondaga, MI (316 kW-ERP)/(586 m-RCAMSL)

Results of the analysis, indicate that the proposed WGTQ-DT facility will cause unique interference to 13,838 persons within the WWTV(TV) service area. This amounts to 1.95% of the WWTV(TV) service population. Therefore, as shown in Figure 4, it is believed that the proposed channel 9 operation is in full compliance with the FCC's 2%/10% interference criteria.

Figure 5 is a map which depicts the 36 dBu and 43 dBu, noise limited contours for the proposed channel 9 DTV operation. As shown, all of Sault Ste. Marie is located within the 43 dBu contour. Therefore, the proposed channel 9 DTV allotment will comply with the city coverage requirements contained in Section 73.625(a).

Studies indicate the proposed DTV channel 9 operation will not adversely impact any co-channel or pertinent adjacent channel Class A LPTV stations.

¹ The du Treil, Lundin & Rackley, Inc. DTV interference analysis program is based on the program and procedures outlined by the FCC in the Sixth Report and Order; subsequent Memorandum Opinion and Order; and FCC OET Bulletin No. 69. A nominal grid size resolution of 2 km was employed. An Alpha based processor computer system was employed. The results have been found to be in very close agreement with the results of the FCC implementation of OET Bulletin No. 69.

du Treil, Lundin & Rackley, Inc.

Consulting Engineers

Page 4

Sault Ste. Marie, Michigan

US-Canadian TV Agreement Compliance

The proposed channel 9 operation will be located 11 kilometers from the closest point of the US-Canadian common border. Therefore, consideration must be given to the existing US-Canadian TV Agreement (1994) and Letter of Understanding (LOU) between the FCC and Industry Canada related to DTV service along the common border (September 12, 2000). Pursuant to the existing Agreement and LOU, DTV stations will be referred if the pertinent interfering contour would fall within the territory of the other country. The pertinent interfering contour applicable towards co-channel NTSC stations is the 22.2 dBu, F(50,10) contour. The pertinent interfering contour applicable towards co-channel DTV operations is the 13.5 dBu, F(10,10) contour. It was determined that both contours do overlap Canadian land area, and therefore it is believed necessary to refer the proposal to Canada.

As shown in the allocation study of Figure 2 the proposed WGTQ-DT site is short-spaced with respect to Canadian station CBLAT3 on NTSC channel 9 at Wawa, Ontario and also with respect to Canadian station CKNC-TV on channel 9 at Sudbury, Ontario. Figure 6 is a map depicting the 56 dBu F(50,50) protected contours for Canadian stations CBLAT3 and CKNC-TV. Also shown on Figure 6 is the 22.2 dBu F(50,10) interfering contour for the proposed WGTQ-DT operation. As can be seen in Figure 6, the WGTQ-DT interfering contour will only overlap the protected contour of station CBLAT3. Therefore, an interference study was prepared with respect to station CBLAT3 based on the Longley-Rice propagation model and procedures contained in the Letter of Understanding. Based on our study it is believed the proposed WGTQ-DT operation would not cause interference to any persons within the CBLAT3 service contour. Figure 7 is a copy of the computer printout showing the interference calculation to CBLAT3. Since no interference to Canadian viewers is predicted, it is respectfully requested that the proposal be given consideration based on use of the Longley-Rice propagation model.

du Treil, Lundin & Rackley, Inc.

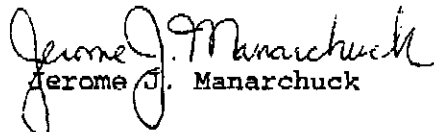
Consulting Engineers

Page 5

Sault Ste. Marie, Michigan

Conclusion

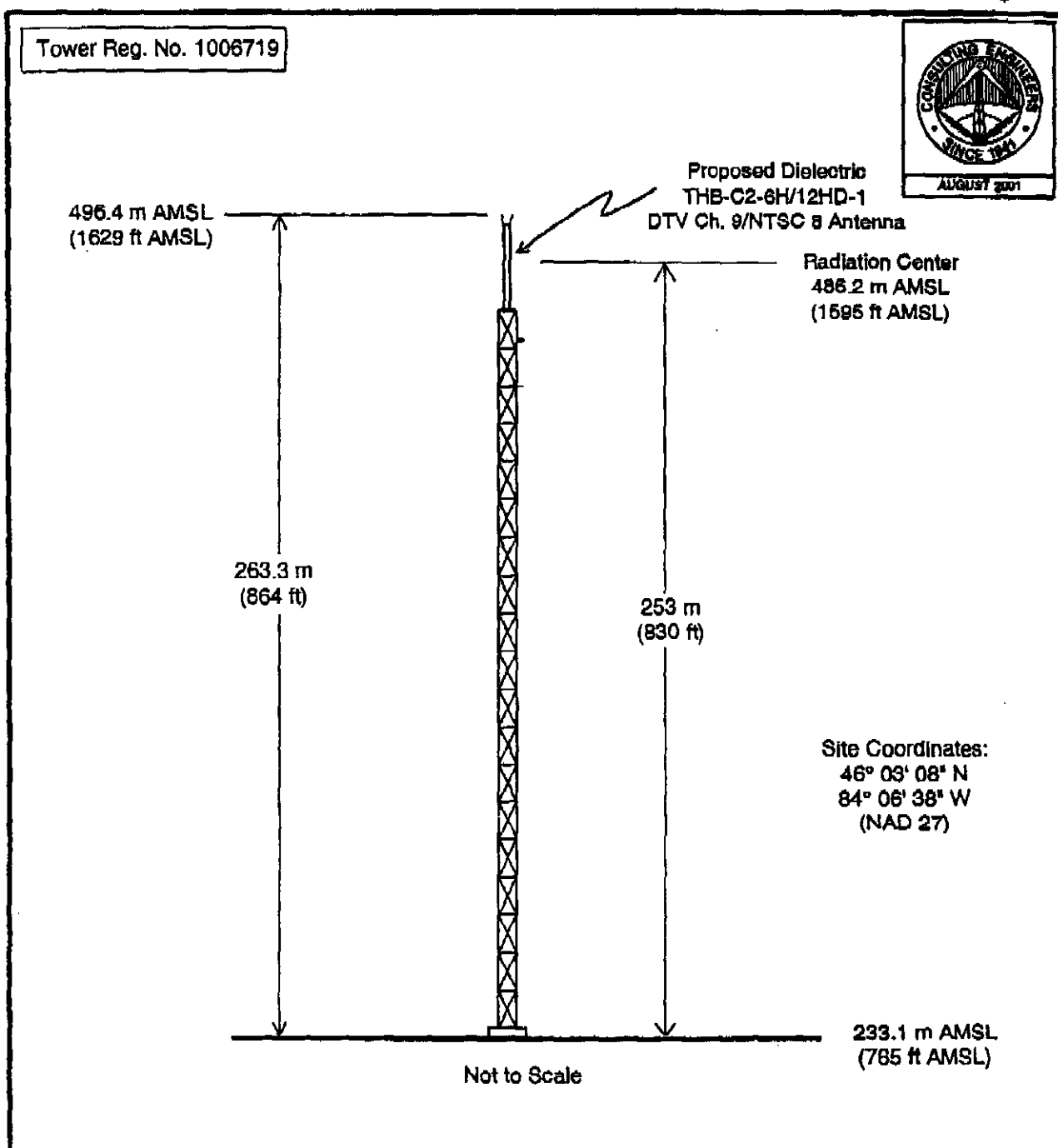
VHF DTV channel 9 can be substituted for the current DTV channel 56 allotment at Sault Ste. Marie, Michigan in compliance with the FCC's rules concerning DTV allotment changes.


Jerome J. Manarchuck

du Treil, Lundin & Rackley, Inc.
201 Fletcher Avenue
Sarasota, Florida 34237
(941) 329-6000
JERRY@DLR.COM

August 30, 2001

Figure 1



PROPOSED ANTENNA AND SUPPORTING STRUCTURE

DTV STATION WGTQ-DT
SAULT STE MARIE, MICHIGAN
CH 9 24 KW (MAX-DA) 291 M
du Treil, Lundin & Rackley, Inc., Sarasota, Florida

Figure 2

TV/DTV Separation Study

Job Title :WGTQ-DT
 Zone : 2
 Channel 9 (186-192 MHz)

Separation Buffer 50 km
 FCC TV DB Date : 08/28/01
 Coordinates : 46-03-08 84-06-38

Call Status	City St	FCC File No.	Channel Zone	ERP(kW) HAAT(m)	Latitude Longitude	Bear. True	Dist. (km)	Req. (km)
WGTQ LIC	SAULT STE. MARIE MI BLCT	-2617	8(o) II	316 290	46-03-06 84-06-40	214.7	0.09 10.91	11.0/125 CLOSE
WGTQ-T APP	SAULT SAINT MARIE MI BPRM	-20010531	9 II	32 291	46-03-08 84-06-38	0.0	0.00	
ALLOC.	CHAPLEAU ON	-	9(-) II	.000 0	47-51-15 83-25-08	14.4	207.14 -17.14	190.0 CLEAR
CELAT3 LIC	WAWA ON	-	9(+) II	32 187	48-01-13 84-45-00	347.7	224.13 -58.88	283.0 SHORT ¹
WWTV LIC	CADILLAC MI BMLCT	-251	9(o) II	316 497	44-08-12 85-20-33	204.9	233.94 -39.66	273.6 SHORT ²
CKNCTV LIC	SUDEBURY ON	-	9(+) II	293 190	46-30-40 81-00-24	76.8	243.36 -39.64	283.0 SHORT ¹
WWUP-T LIC	SAULT STE. MARIE MI BLCT	-19870331	10(+) II	316 370	46-03-49 84-06-08	27.0	1.43 9.57	11.0/125 CLOSE

** End of TV Separation Study for Channel 9 **

¹ Protection provided using U.S./Canada LOU.

² Protection provided using OET-69 methods, see Figure 4.

Dielectric

Date **29 Aug 2001**
Call Letters **WGTO-DT** Channel
Location **Sault Ste. Marie, MI**
Customer
Antenna Type **THB-6-1**

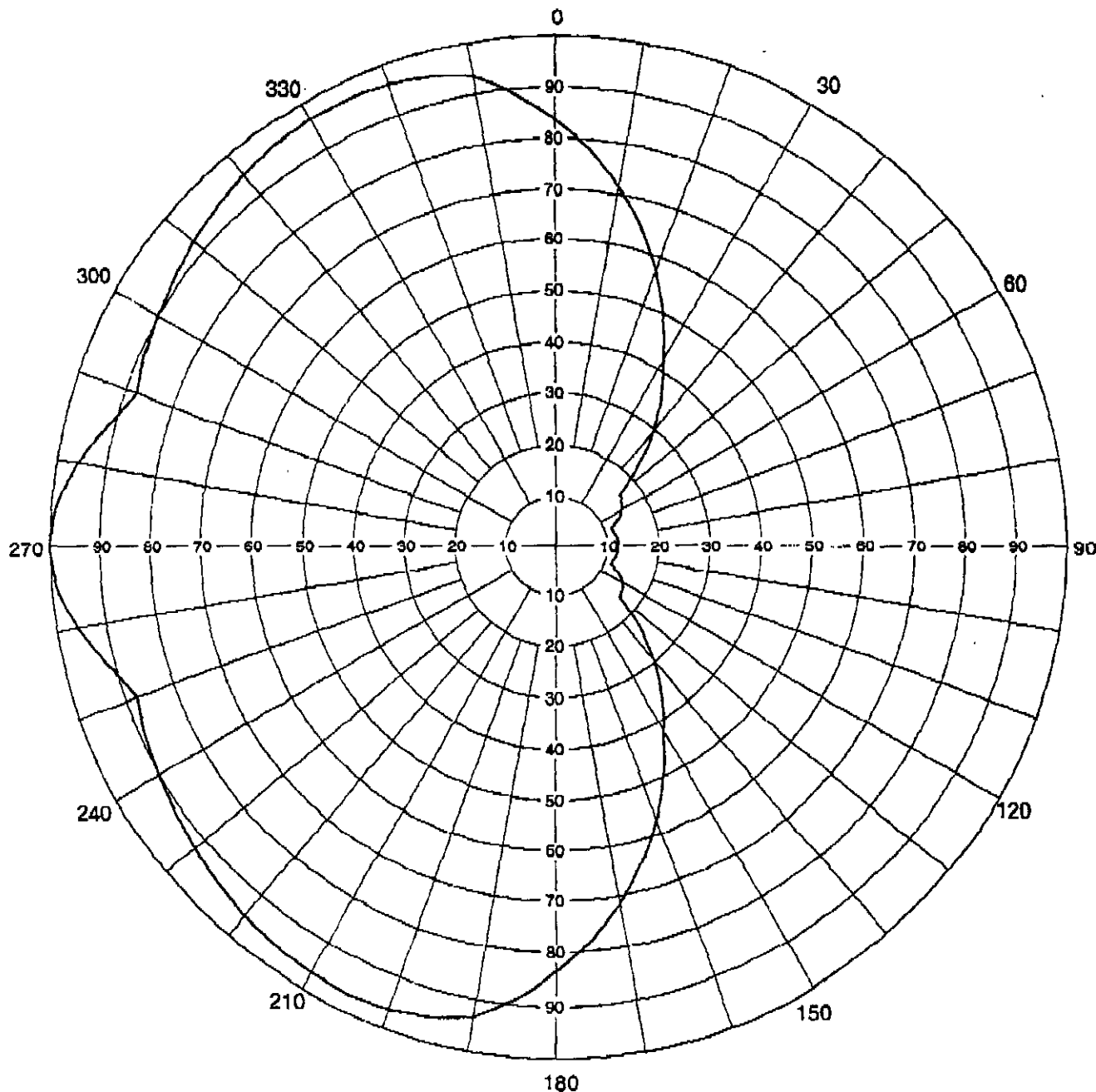
AZIMUTH PATTERN

RMS Gain at Main Lobe
Calculated / Measured

1.92 (2.83 dB)
Calculated

Frequency
Drawing #

MHz
THB-C2-9



Remarks:

Figure 3
Sheet 2 of 4Tabulation of Horizontal Relative Fields

Azimuth (deg. True)	Relative Field	ERP(kW)	Azimuth (deg. True)	Relative Field	ERP(kW)
0	0.837	16.81	180	0.837	16.81
10	0.716	12.30	190	0.934	20.94
20	0.573	7.88	200	0.962	22.21
30	0.420	4.23	210	0.967	22.44
40	0.295	2.09	220	0.951	21.71
50	0.162	0.63	230	0.927	20.62
60	0.148	0.53	240	0.902	19.53
70	0.114	0.31	250	0.877	18.46
80	0.119	0.34	260	0.958	22.03
90	0.122	0.36	270	1.000	24.00
100	0.119	0.34	280	0.958	22.03
110	0.114	0.31	290	0.877	24.00
120	0.148	0.53	300	0.902	19.53
130	0.162	0.63	310	0.927	20.62
140	0.295	2.09	320	0.951	21.71
150	0.420	4.23	330	0.967	22.44
160	0.573	7.88	340	0.962	22.21
170	0.716	12.30	350	0.934	20.94

Dielectric

Date
Call Letters
Location
Customer
Antenna Type

29 Aug 2001
WGTQ-DT Channel
Sault Ste. Marie, MI

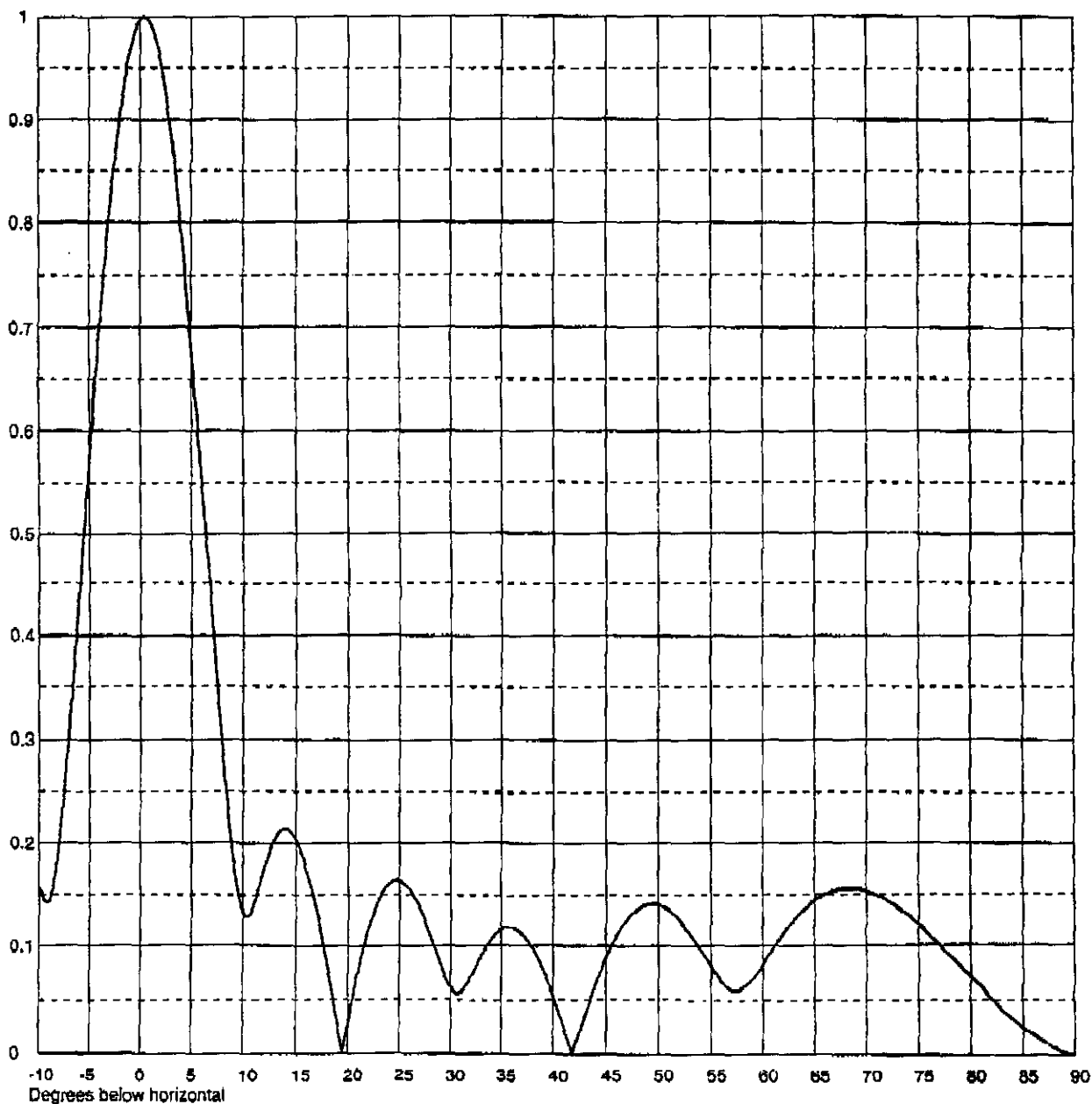
ELEVATION PATTERN

RMS Gain at Main Lobe
RMS Gain at Horizontal
Calculated / Measured

6.0 (7.78 dB)
6.0 (7.78 dB)
Calculated

Beam Tilt
Frequency
Drawing #

0.60 Degrees
MHz
06H060060-90



Remarks:



Date 29 Aug 2001
 Call Letters WGTQ-DT Channel
 Location Sault Ste. Marie, MI
 Customer
 Antenna Type

TABULATION OF ELEVATION PATTERN

Elevation Pattern Drawing # 06H060060-90

Angle	Field	Angle	Field	Angle	Field	Angle	Field	Angle	Field	Angle	Field
-10.0	0.161	2.4	0.933	10.6	0.130	30.5	0.058	51.0	0.135	71.5	0.146
-9.5	0.145	2.6	0.919	10.8	0.134	31.0	0.057	51.5	0.130	72.0	0.143
-9.0	0.144	2.8	0.904	11.0	0.140	31.5	0.062	52.0	0.125	72.5	0.140
-8.5	0.163	3.0	0.888	11.5	0.157	32.0	0.071	52.5	0.118	73.0	0.136
-8.0	0.201	3.2	0.871	12.0	0.176	32.5	0.081	53.0	0.111	73.5	0.132
-7.5	0.251	3.4	0.853	12.5	0.192	33.0	0.090	53.5	0.104	74.0	0.128
-7.0	0.309	3.6	0.834	13.0	0.204	33.5	0.099	54.0	0.096	74.5	0.124
-6.5	0.372	3.8	0.814	13.5	0.211	34.0	0.107	54.5	0.088	75.0	0.120
-6.0	0.438	4.0	0.794	14.0	0.213	34.5	0.112	55.0	0.080	75.5	0.116
-5.5	0.505	4.2	0.772	14.5	0.210	35.0	0.116	55.5	0.073	76.0	0.110
-5.0	0.572	4.4	0.750	15.0	0.203	35.5	0.118	56.0	0.066	76.5	0.105
-4.5	0.637	4.6	0.727	15.5	0.191	36.0	0.118	56.5	0.061	77.0	0.100
-4.0	0.700	4.8	0.703	16.0	0.174	36.5	0.116	57.0	0.058	77.5	0.095
-3.5	0.759	5.0	0.679	16.5	0.155	37.0	0.112	57.5	0.058	78.0	0.090
-3.0	0.813	5.2	0.654	17.0	0.132	37.5	0.106	58.0	0.060	78.5	0.085
-2.8	0.833	5.4	0.629	17.5	0.108	38.0	0.098	58.5	0.063	79.0	0.080
-2.6	0.852	5.6	0.603	18.0	0.081	38.5	0.089	59.0	0.069	79.5	0.075
-2.4	0.871	5.8	0.577	18.5	0.054	39.0	0.078	59.5	0.075	80.0	0.070
-2.2	0.888	6.0	0.551	19.0	0.026	39.5	0.066	60.0	0.082	80.5	0.065
-2.0	0.904	6.2	0.525	19.5	0.002	40.0	0.053	60.5	0.090	81.0	0.061
-1.8	0.919	6.4	0.498	20.0	0.028	40.5	0.039	61.0	0.097	81.5	0.056
-1.6	0.933	6.6	0.472	20.5	0.054	41.0	0.024	61.5	0.105	82.0	0.051
-1.4	0.945	6.8	0.446	21.0	0.077	41.5	0.009	62.0	0.112	82.5	0.047
-1.2	0.957	7.0	0.419	21.5	0.098	42.0	0.006	62.5	0.118	83.0	0.042
-1.0	0.967	7.2	0.394	22.0	0.117	42.5	0.021	63.0	0.125	83.5	0.038
-0.8	0.975	7.4	0.368	22.5	0.133	43.0	0.036	63.5	0.130	84.0	0.034
-0.6	0.983	7.6	0.343	23.0	0.146	43.5	0.050	64.0	0.136	84.5	0.029
-0.4	0.989	7.8	0.318	23.5	0.155	44.0	0.064	64.5	0.140	85.0	0.026
-0.2	0.994	8.0	0.294	24.0	0.161	44.5	0.077	65.0	0.144	85.5	0.022
0.0	0.997	8.2	0.271	24.5	0.164	45.0	0.089	65.5	0.148	86.0	0.018
0.2	0.999	8.4	0.249	25.0	0.164	45.5	0.100	66.0	0.151	86.5	0.015
0.4	1.000	8.6	0.228	25.5	0.161	46.0	0.110	66.5	0.153	87.0	0.012
0.6	0.999	8.8	0.208	26.0	0.155	46.5	0.118	67.0	0.154	87.5	0.009
0.8	0.997	9.0	0.190	26.5	0.147	47.0	0.126	67.5	0.156	88.0	0.006
1.0	0.994	9.2	0.173	27.0	0.136	47.5	0.132	68.0	0.156	88.5	0.004
1.2	0.989	9.4	0.159	27.5	0.124	48.0	0.136	68.5	0.156	89.0	0.002
1.4	0.983	9.6	0.147	28.0	0.111	48.5	0.139	69.0	0.156	89.5	0.001
1.6	0.975	9.8	0.136	28.5	0.096	49.0	0.141	69.5	0.155	90.0	0.000
1.8	0.967	10.0	0.132	29.0	0.083	49.5	0.141	70.0	0.153		
2.0	0.957	10.2	0.128	29.5	0.070	50.0	0.140	70.5	0.151		
2.2	0.945	10.4	0.128	30.0	0.061	50.5	0.138	71.0	0.149		

Remarks:

Figure 4

TECHNICAL EXHIBIT
PREPARED IN SUPPORT OF
AN AMENDMENT TO THE PENDING
PETITION FOR RULE MAKING TO
MODIFY THE DTV ALLOTMENT TABLE
SAULT STE MARIE, MICHIGAN

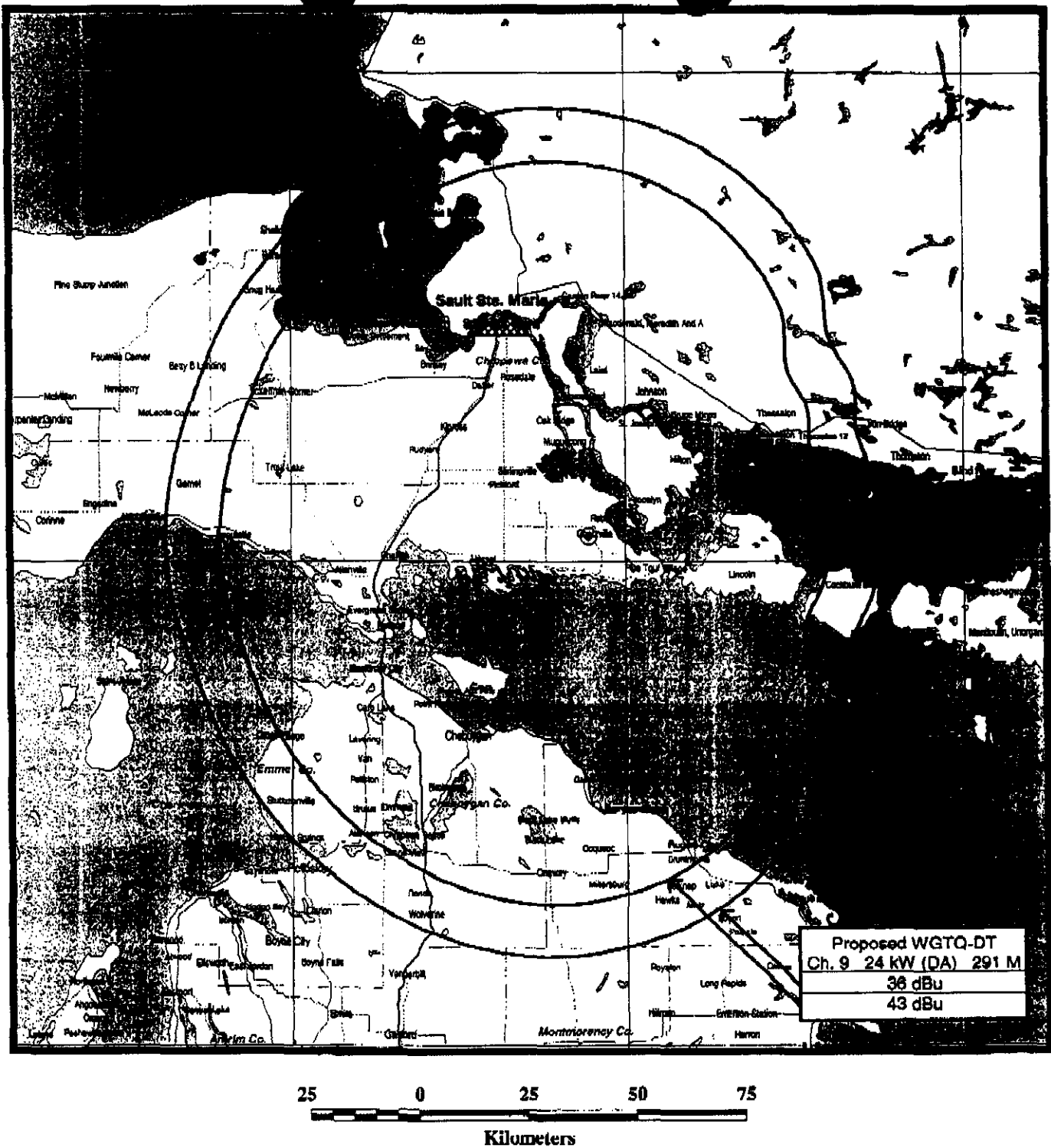
Interference and Service Summary

I. Interference Caused

Protected Station	FCC Service Population	Unique Interference Population
WGTQ, NTSC Ch. 8 Sault Ste. Marie, MI	No Interference Calculated	
WWTW, NTSC Ch. 9 Cadillac, MI	708,658	13,838 (1.95%)
CKNCTV, NTSC Ch. 9 Wawa, ON	No Interference Calculated	
CBLFT3, NTSC Ch. 9 Timmens, ON	No Interference Calculated	
CBLAT3, NTSC Ch. 9 Wawa, ON	No Interference Calculated	
WWUP-TV, NTSC Ch. 10 Sault Ste. Marie, MI	No Interference Calculated	

II. Service

	Population within
Within Noise-Limited Contour	89,494
Not Affected by Terrain Losses	85,941
Lost to NTSC Interference	1,591
Lost to DTV Interference	0
Total Service	84,350

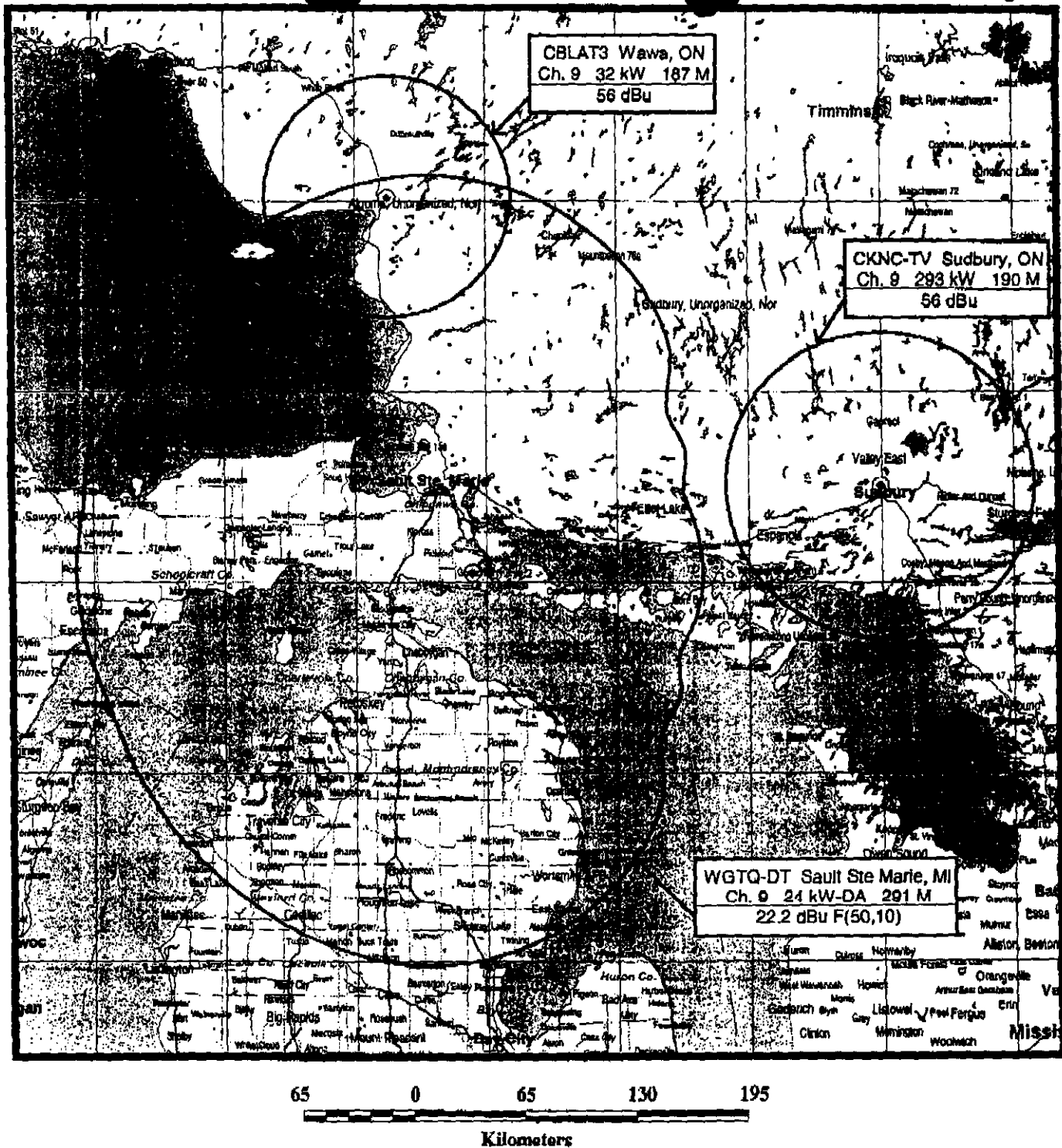


PREDICTED COVERAGE CONTOURS

STATION WGTO-DT
SAULT STE MARIE, MICHIGAN
CH 9 24 KW (MAX-DA)

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

Figure 6



CANADIAN ALLOCATION STUDY MAP

DTV STATION WGTO-DT
SAULT STE MARIE, MICHIGAN
CH 9 24 KW (MAX-DA) 291 M

du Treil, Lundin & Rackley, Inc. Sarasota, Florida

Figure 7

Study Date: 20010829
 Study Start: 15:23:05
 INTERFERENCE CAUSED TO CANADIAN ASSIGNMENT FROM PROPOSED WGTQ-DT
 CELL SIZE : 2.00
 Using DTV->DTV service params
 Using circles for service area

CELAT-3 480113 844500 9(N) 325.000 kw 489.7 m 50.0 % 56.0 dBu
 WAWA ON
 CANTAB CLASS VU
 Calculated RCAMSL with HAAT of 150
 %loc = 50.00 %time = 50.00

	Area	Pop
within Noise Limited Contour	21137.80	6541
not affected by terrain losses	15087.51	5514

WGTQ-T 46-03-08 084-06-38 9(N) 24.000 kw 486.1 m 50.0 % 33.0 dBu
 SAULT SAINT MARIE MI
 APF BPRM20010531ADP CLASS C

D/U Baseline: 33.80
 %loc = 50.00%time = 10

	Area	Pop
Interference	293.47	0 (0.0)

lost to NTSC IX	0.00	0
lost to additional IX by DTV	293.47	0
total lost to DTV IX	293.47	0
lost to all IX	293.47	0
Total SERVICE	14794.05	5514

Study end time: 15:23:36

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of

Amendment of Section 73.622(b),
Table of Allotments,
Digital Television Broadcast Stations.
(Sault Saint Marie, Michigan)

MB Docket No. 02-83
RM-10404

NOTICE OF PROPOSED RULE MAKING

Adopted: April 22, 2002

Released: April 26, 2002

Comment Date: June 17, 2002

Reply Comment Date: July 2, 2002

By the Chief, Video Division:

1. The Commission has before it a petition for rule making filed by Scanlan Television, Inc. ("Scanlan"), licensee of station WGTQ-TV, NTSC channel 8, Sault Saint Marie, Michigan. Scanlan requests the substitution of DTV channel 9 for station WGTQ-TV's assigned DTV channel 56.

2. In support of its proposal, Scanlan claims that operation of DTV channel 9 in lieu of DTV channel would allow station WGTQ-DT to use substantially less transmitter power and a smaller antenna thereby reducing its initial capital investment and overhead costs. Scanlan also notes that the use of DTV channel 9 would make it easier for current WGTQ-TV viewers to locate the DTV operation.

3. We believe Scanlan's proposal warrants consideration. DTV Channel 9 can be substituted for DTV Channel 56 at Sault Saint Marie, Michigan, as proposed, in compliance with the principle community coverage requirements of Section 73.625(a) at coordinates 46-03-08 N. and 84-06-38 W. In addition, we find that this channel change is acceptable under the 2 percent criterion for de minimis impact that is applied in evaluating requests for modification of initial DTV allotments under Section 73.623(c)(2). However, since the community of Sault Saint Marie is located within 400 kilometers of the U.S.-Canadian border, concurrence of the Canadian government must be obtained for this allotment. We propose to substitute DTV Channel 9 for DTV Channel 56 for station WGTQ-DT at Sault Saint Marie with the following specifications:

State & City	DTV Channel	DTV power (kW)	Antenna HAAT (m)
MI Sault Saint Marie	9	24	291

4. Accordingly, we seek comments on the proposed amendment of the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules, for the community listed below, to read as follows:

<u>City</u>	<u>Channel No.</u>	
	<u>Present</u>	<u>Proposed</u>
Sault Saint Marie, Michigan	49, 56	9, 49

5. The Commission's authority to institute rule making proceedings, showings required, cut-off procedures, and filing requirements are contained in the attached Appendix and are incorporated by reference herein. In particular, we note that a showing of continuing interest is required by paragraph 2 of the Appendix before a channel will be allotted.

6. Interested parties may file comments on or before June 17, 2002, and reply comments on or before July 2, 2002, and are advised to read the Appendix for the proper procedures. Comments should be filed with the Secretary, Federal Communications Commission, Washington, D.C. 20554. Additionally, a copy of such comments should be served on the petitioner, or its counsel or consultant, as follows:

Kevin C. Boyle
Latham & Watkins
555 Eleventh Street
Suite 1000
Washington, DC 20004
(Counsel for Scanlan Television, Inc.)

7. The Commission has determined that the relevant provisions of the Regulatory Flexibility Act of 1980 do not apply to rule making proceedings to amend the TV Table of Allotments, Section 73.606(b) and 73.622(b) of the Commission's Rules. See Certification That Sections 603 and 604 of the Regulatory Flexibility Act Do Not Apply to Rule Making to Amend Sections 73.202(b), 73.504 and 73.606(b) of the Commission's Rules, 46 FR 11549, February 9, 1981. The Regulatory Flexibility Act of 1980 would also not apply to rule making proceedings to amend the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules.

8. For further information concerning this proceeding, contact Pam Blumenthal, Media Bureau, (202) 418-1600. For purposes of this restricted notice and comment rule making

proceeding, members of the public are advised that no ex parte presentations are permitted from the time the Commission adopts a Notice of Proposed Rule Making until the proceeding has been decided and such decision is no longer subject to reconsideration by the Commission or review by any court. An ex parte presentation is not prohibited if specifically requested by the Commission or staff for the clarification or adduction of evidence or resolution of issues in the proceeding. However, any new written information elicited from such a request or a summary of any new oral information shall be served by the person making the presentation upon the other parties to the proceeding unless the Commission specifically waives this service requirement. Any comment which has not been served on the petitioner constitutes an ex parte presentation and shall not be considered in the proceeding. Any reply comment which has not been served on the person(s) who filed the comment, to which the reply is directed, constitutes an ex parte presentation and shall not be considered in the proceeding.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman
Chief, Video Division
Media Bureau

Attachment: Appendix

APPENDIX

1. Pursuant to authority found in Sections 4(i), 5(c)(1), 303(g) and (r), and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS PROPOSED TO AMEND the DTV Table of Allotments, Section 73.622(b) of the Commission's Rules and Regulations, as set forth in the Notice of Proposed Rule Making to which this Appendix is attached.

2. Showings Required. Comments are invited on the proposal(s) discussed in the Notice of Proposed Rule Making to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed allotment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is allotted and, if authorized, to build a station promptly. Failure to file may lead to denial of the request.

3. Cut-off protection. The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See Section 1.420(d) of the Commission's Rules).

(b) With respect to petitions for rule making which conflict with the proposals in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

(c) The filing of a counterproposal may lead the Commission to allot a different channel than was requested for any of the communities involved.

4. Comments and Reply Comments; Service. Pursuant to applicable procedures set out in Sections 1.415 and 1.420 of the Commission's Rules and Regulations, interested parties may file comments and reply comments on or before the dates set forth in the Notice of Proposed Rule Making to which this Appendix is attached. All submissions by parties to this proceeding or by persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See Section 1.420(a), (b) and (c) of the Commission's Rules.). The Commission permits the electronic filing of all pleadings and comments in proceeding involving petitions for rule making (*except in broadcast allotment proceedings*). See Electronic Filing of Documents in Rule Making Proceedings, GC Docket No. 97-113 (rel. April 6, 1998). Filings by paper can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal

Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistronix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, Washington, D.C. 20554.

5. Number of Copies. In accordance with the provisions of Section 1.420 of the Commission's Rules and Regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. Public Inspection of Filings. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Reference Center (Room CY-A257) at its headquarters, 445 12th Street, S.W., Washington, D.C.

Before the
Federal Communications Commission
Washington, DC 20554

RECEIVED

MAY 29 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Amendment of Section 73.622(b))	MM Docket No. 02-83
Table of Allotments)	RM-10404
Digital Television Broadcast Stations)	
(Sault Saint Marie, Michigan))	

To: Chief, Video Services Division

**COMMENTS AND EXPRESSION OF CONTINUING INTEREST
OF SCANLAN COMMUNICATIONS, INC.**

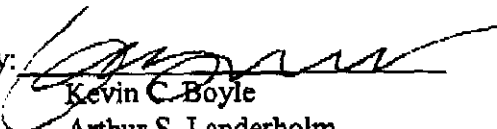
On May 31, 2001, Scanlan Television, Inc., affiliate of Scanlan Communications, Inc., ("*Scanlan*"), licensee of Station WGTQ-TV (Facility ID #59279), NTSC Channel 8, Sault Saint Marie, Michigan, petitioned the Commission to amend the DTV Table of Allotments by requesting the substitution of DTV Channel 9 for station WGTQ-TV's assigned DTV Channel 56 (the "*Petition*"). On April 26, 2002, the Commission released a Notice of Proposed Rule Making seeking comments on the Petition. Scanlan hereby incorporates the Petition by reference, and expresses its continuing interest in the proposed amendment to the DTV Table of Allotments.

If the Commission allots DTV Channel 9 to be substituted for DTV Channel 56 at Sault Saint Marie, Scanlan will promptly apply for a construction permit to modify its proposed DTV facilities for WGTQ-DT and, upon grant of such permit, intends to promptly construct and operate WGTQ-DT on Channel 9 in accordance with the Commission's DTV build out rules.¹

¹ The Commission has granted an extension of the construction permit for WGTQ-DT. See FCC Broadcast Actions, Report No. 45208, FCC File No. BEPCDT-20020301AIP (released April 8, 2002).

Respectfully submitted,

SCANLAN TELEVISION, INC.
SCANLAN COMMUNICATIONS, INC.

By: 
Kevin C. Boyle
Arthur S. Landerholm
LATHAM & WATKINS
555 Eleventh Street, N.W,
Suite 1000
Washington, DC 20004-1304
(202) 637-2200

May 29, 2001